

February 11, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Permitted Oral *Ex Parte* Presentation
IB Docket Nos. 05-20, 07-101 and RM-11429

Dear Ms. Dortch:

On February 10, 2009, representatives of The Boeing Company met with Commission staff to discuss the need to adopt service rules in IB Docket 05-20 for the Aeronautical Mobile-Satellite Service ("AMSS"). Participating in the meeting on behalf of the Commission were John Giusti, Roderick Porter, Arthur Lechtman, Robert Nelson, Scott Kotler, Karl Kensinger, Paul Locke, Kathleen Collins, and Sankar Persuad. Participating in the meeting for Boeing were Audrey Allison, Alan Rinker and the undersigned.

During the meeting, Boeing indicated that increased interest within the satellite industry in providing Fixed-Satellite Services ("FSS") to airborne platforms has heightened the need to adopt rules that help facilitate and protect AMSS in the Ku-band. Boeing further observed that the comments that were filed in the AMSS proceeding reflect general uniformity within the satellite industry in support of the adoption of AMSS service rules. Therefore, the AMSS proceeding is an optimal candidate for resolution during the transition period before a new FCC Chairman takes office.

The discussion during the meeting largely reflected the attached talking points, which were distributed during the meeting. Boeing acknowledged that the Commission could consider completing the AMSS proceeding on a concurrent track with the pending proceeding regarding Vehicle Mounted Earth Stations (IB Docket 07-101). The attached talking points also make reference to the

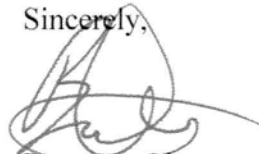
February 11, 2009

Page 2

interrelationship between the AMSS proceeding and a petition for rulemaking that was filed by the Utilities Telecom Council and Winchester Cator, LLC.

Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Olcott", written over a horizontal line.

Bruce A. Olcott

AERONAUTICAL MOBILE SATELLITE SERVICE

THE BOEING COMPANY

IB Docket 05-20

February 10, 2009

- Boeing urges the Commission to adopt service rules for aeronautical mobile-satellite services ("AMSS") covering network operations and license application requirements.

The Problem -- The time required to process and grant AMSS applications is increasing.

- 12 months to process and grant Boeing's AMSS transmit application.
 - 19 months to process and grant ARINC's AMSS application.
 - 23 months to process and grant Viasat's AMSS application.
 - In contrast, less than 8 months on average to process and grant a satellite license.
- Much of the delay results from uncertainty and disputes regarding the necessary elements of an AMSS application. Disputes have developed regarding whether:
 - an AMSS application must include both forward and return link budgets,
 - link budgets must be representative of all geographic areas and satellites,
 - transmit elevation patterns must be submitted pursuant to Section 25.132(b),
 - the application must address management of pitch, yaw, and roll,
 - the use of spectrum spreading technology must be explained in detail,
 - compliance with Section 25.222(a)(6) must be shown and, if so, with respect to a satellite tracking accuracy of 0.2 degrees peak, or 0.2 degrees root mean square,
 - compliance with Section 25.209 must be shown and, if so, at the input of the antenna or taking account allowances for losses between the power amplifier and the antenna,
 - transmit/receive flight testing is a prerequisite to a license grant, and
 - coordinated AMSS applicants receive expedited processing Section 25.220.
 - As a result, the Bureau and AMSS applicants must engage in an inefficient and time consuming exchange of letters and amendments addressing supplemental data and analysis.
 - The delays in processing also prompt AMSS applicants to file multiple STA applications, creating further administrative burdens on the Bureau.
 - Additional AMSS applications can be expected in the near future.
 - Other companies are planning to launch AMSS networks in the United States.
 - Current AMSS licensees will likely adopt improvements to their AMSS networks, necessitating new applications and major modifications to existing authorizations.

The Solution -- Adopt service rules for AMSS that generally mirror those adopted for earth stations onboard vessels (“ESVs”), while taking into consideration the rules adopted in the Part 25 proceeding, and proposed in the vehicle-mounted earth station (“VMES”) proceeding.

- AMSS networks should be authorized to operate on a primary basis in the Ku-band if they:
 - meet the off-axis e.i.r.p. density mask and pointing accuracy requirements included in Section 25.222 of the Commission’s rules, or
 - demonstrate equivalent protection to adjacent satellites using combinations of power levels and pointing accuracy (but not on a Section 25.220 non-conforming basis), or
 - coordinate with adjacent satellite operators to operate at more relaxed limits.
- Any additional AMSS rules should also be technologically and application neutral.
 - Enforce an aggregate e.i.r.p. density envelop rather than the $10 \cdot \log(N)$ rule.
 - Provide blanket licensing and ALSAT authority.
 - If a 24/7 U.S. point of contact exists, do not require a U.S.-based earth station hub.
- Widespread industry support exists for adopting service rules that permit primary operations of AMSS networks in the Ku-band.
 - The AMSS rulemaking docket includes detailed comments from all segments of the satellite industry that were remarkably consistent in their support for AMSS rules.
 - The VMES rulemaking docket also includes comments expressing support for permitting AMSS to operate using the same rules that were proposed for VMES.
- The AMSS and VMES proceedings could be concluded in one order, possibly following a public notice seeking additional comment to refresh and update the record.
- The need for service rules for AMSS and VMES is heightened by the pending UTC/Winchester Cator proposal to add a secondary fixed service (“FS”) allocation in the Ku-band.
 - The Commission should delineate the interference protection levels that must be afforded by secondary FS links to AMSS and VMES systems.
 - This can best be achieved by designating AMSS and VMES as primary applications of the fixed satellite service (“FSS”) allocation in the Ku-band.
- Such action will help facilitate the widespread commercial availability and use of AMSS networks to accommodate the public’s demand for 24/7 connectivity and productivity.